THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 8363 OF 2007

Dated 25th April, 2007

Between:

Motamarri Punnaiah and others.

…Petitioners

And

The Special Deputy Collector (Tribal Welfare),
K.R.Puram, West Godavari District and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioners seek a declaration that the action of the respondents in taking steps for eviction from their lands situated at Ganapavaram village of Buttaigudem Mandal of West Godavari District as illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that the petitioners are owners and possessors of land covered by various extents of land in R.S.Nos. 550, 517, 504, 479, 475/3, 475/1, 475/1 and 476 of Ganapavaram village of Buttaigudem Mandal, West Godavari District.

The Ganapavaram village is a notified village under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959, as amended by Regulation 1 of 1970. It is the grievance of the petitioners that though they are in possession by virtue of their purchase, but, however, without passing any orders of eviction by the competent authority under the provisions of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959, steps were being taken to take possession and evict the petitioners from the above said lands.

In the counter-affidavit filed on behalf of the respondents, it is stated that at the instance of the Special Deputy Tahasildar, proceedings were initiated against the petitioners under Section 3 of the A.P. Scheduled Areas Land Transfer Regulation 1 of 1959 and individual orders and eviction decrees were passed. It is stated that though such eviction orders were passed, the same were not implemented earlier in view of the orders passed by this Court in Writ Petition No. 10259 of 1987 wherein the petitioners had

questioned the inclusion of Ganapavaram village in the scheduled area. But, however, it is stated that after the dismissal of the above said writ petition, possession of the lands in question was taken on 15.10.1997 and the same was assigned to eligible tribals on 31.12.1997 and such assignees are in possession of the land.

Though it is the case of the petitioners that no individual orders are passed, but the counter affidavit reveals that orders of eviction were passed by the respondents and the ejectment decrees were issued in Form-F for eviction of the petitioners from the land in question. While it is open for the petitioners to question the validity of the said orders, but without assailing the validity of the said orders, no direction can be granted as prayed for in this writ petition.

The writ petition is devoid of any merits and is, therefore, dismissed. No costs.

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25-4-2007

R.SUBHASH REDDY, J.

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